

EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT RODGERS)	
Plaintiff)	
)	CIVIL ACTION NO.: 04-11842-PBS
V.)	
)	
CORRECTION OFFICER ORCHID,)	
UNKNOWN CORRECTION OFFICER)	
JOHN DOE, JOE WHITMORE, DR.)	
HOWARD, JOHN SMITH, PLYMOUTH)	
COUNTY)	
Defendants)	

AFFIDAVIT OF ANTHONY R. BRIGHTON, ESQ.

Now comes Anthony R. Brighton, Esq., and under oath states the following to be true, accurate and based upon his own personal knowledge:

1. My name is Anthony R. Brighton, and I am one of the attorneys representing John B. Howard, M.D., in the above-captioned case.
2. I have obtained and listened to an audio copy of the August 2, 2006 hearing held before Magistrate Marianne B. Bowler and concerning the Plaintiff's Motion for Sanctions against Dr. Howard in this case.
3. I have ordered a transcript of the hearing from Court Reporter Maryann Young, but it is not yet available to be submitted with the Opposition to Plaintiff's Motion to Amend the Complaint. Therefore, I am providing an affidavit concerning the statements made, which can be confirmed when the transcript is received.
4. During the hearing, Dr. Howard stated that he was a contractor, and not an employee, at the Plymouth County Correctional Facility. Dr. Howard also stated that he had individual medical malpractice insurance.

5. During the hearing, plaintiff's counsel Michael Tumposky stated that he was aware that counsel for the Plymouth County Sheriff's Department originally represented Dr. Howard, but that counsel withdrew after determining that the Department was not required to represent Dr. Howard.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 20th

DAY OF SEPTEMBER, 2006.



Anthony R. Brighton, Esq.